

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Horace Edward Butcher

Docket No. 5:15-CR-14-1BR

Petition for Action on Supervised Release

COMES NOW Peter J. Yalango, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Horace Edward Butcher, who, upon an earlier plea of guilty to 18 U.S.C. §661, Larceny of Personal Property, was sentenced by the Honorable W. Earl Britt, Senior U.S. District Judge, on September 28, 2015, to the custody of the Bureau of Prisons for a term of 18 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 36 months.

Horace Edward Butcher was released from custody on March 31, 2017, at which time the term of supervised release commenced.

A Sealed Motion for Revocation on Offender Under Supervised Release was submitted to the Court on October 13, 2017, stating that the offender had committed the offenses of First Degree Forcible Rape, First Degree Kidnapping, and Attempted First Degree Forcible Sexual Offense on August 22, 2017; and failed to make any payments towards his financial obligation. A warrant was issued by Your Honor on October 13, 2017. The warrant was served on the defendant on April 12, 2018. This violation was withdrawn on April 19, 2018, and the defendant was continued on all previous terms and conditions of his supervised release.

A DROPS sanction was submitted to the Court on June 5, 2018, stating that the defendant submitted a urinalysis sample which tested positive for marijuana on May 25, 2018.

A DROPS sanction was submitted to the Court on July 18, 2018, stating that the defendant submitted a urinalysis sample which tested positive for marijuana on July 10, 2018.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

The defendant was subject to a DROPS sanction of 5 days of intermittent confinement due to the positive urinalysis sample he submitted on July 18, 2018. The defendant is unable to comply with the DROPS sanction due to not having transportation to New Hanover County Jail. The DROPS condition will continue to be an issue for this defendant due to the location of the intermittent confinement. This probation officer is requesting that the defendant no longer be subject to this condition, and future positive urinalysis samples be handled with alternative sanctions. The Court will be notified of any future violations of his supervision.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that the following condition of supervised release be removed:

While under supervision in the Eastern District of North Carolina, the defendant shall participate in the DROPS Program and, in response to detected illegal drug use, shall be confined in the custody of the Bureau of Prisons for a period not to exceed 30 days of intermittent confinement, as arranged by the probation office, in the following increments: First Use – Two Days; Second Use – Five Days; Third Use – Ten Days.

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Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Eddie J. Smith
Eddie J. Smith
Supervising U.S. Probation Officer

/s/ Peter J. Yalango
Peter J. Yalango
U.S. Probation Officer
150 Rowan Street Suite 110
Fayetteville, NC 28301
Phone: 910-354-2546
Executed On: August 20, 2018

ORDER OF THE COURT

Considered and ordered this 21 day of August, 2018, and ordered filed and
made a part of the records in the above case.

W. Earl Britt
Senior U.S. District Judge

